

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1139

AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 25-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as the context requires otherwise:

"Board" shall mean the medical licensing board.

"Committee" means the committee of hearing aid dealer examiners.

"Hearing aid" shall mean any instrument or device worn on the human body, designed ~~for or represented as aiding, improving or correcting defective human~~ **and fit for an individual with a hearing loss** and any parts, attachments or accessories of such an instrument or device. **The term does not include a personal sound amplifier.**

"Personal sound amplifier" means a device that simply magnifies sound and does not address an individual's specific hearing loss.

"Fit hearing aids" shall mean the hearing aid dealer's or salesman's evaluation or measurement of the powers or range of human hearing for the subsequent selection or adaption or sale of hearing aids.

"Dispense hearing aids" shall mean the sale, lease or rental of a hearing aid to anyone other than a hearing aid dealer.

"Hearing aid dealer" shall mean any person who fits or dispenses hearing aids and who receives a commission or salary derived from the sale of such devices or maintenance of such devices except any person



who serves said dealer only in an administrative or clerical manner and who does not evaluate, fit or dispense hearing aids shall be excluded.

"Audiologist" means an individual holding a license to practice audiology issued under IC 25-35.6.

"Registration" shall refer to the legal privilege given a person who holds a hearing aid dealer certificate of registration; and "Temporary Registration" shall refer to the legal privilege given a person who holds a temporary hearing aid dealer certificate of registration.

SECTION 2. IC 25-20-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) This section applies only to a registrant who has held a certificate issued under this chapter for at least eighteen (18) months.

(b) To renew a hearing aid dealer certificate of registration issued under this chapter, a registrant must complete at least twenty (20) hours of credit in continuing education courses.

(c) To satisfy the requirements of subsection (b), a registrant may use only credit hours earned in continuing education courses completed by the registrant:

- (1) after the last date the registrant renewed a certificate under this chapter; or
- (2) if the registrant is renewing a certificate for the first time, after the date the registrant was issued the certificate under this chapter.

(d) A registrant may receive credit only for completing continuing education courses that have been approved by the committee, the American Speech-Language-Hearing Association, or the **National International Institute for Hearing Instrument Studies**.

(e) When a registrant renews a certificate issued under this chapter, the registrant must comply with IC 25-1-4-3.

SECTION 3. IC 25-20-1-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 26. A person may not sell, lease, or rent a hearing aid in Indiana unless the person complies with the requirements under IC 25-35.6-4-1.**

SECTION 4. IC 25-35.6-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 4. Unlawful Practices

Sec. 1. (a) This section does not apply to a prescription or order by a person who:

- (1) is licensed, certified, registered, or regulated by a board listed in IC 25-1-9-1; and**



(2) has authority to issue a prescription or order for a hearing aid.

(b) A person may not sell, lease, or rent a hearing aid (as defined in IC 25-20-1-1) in Indiana unless the hearing aid has been fitted in person by any of the following:

(1) A hearing aid dealer who has been issued a certificate of registration under IC 25-20.

(2) An audiologist who is licensed under this article.

(c) A person who violates this section commits a Class B infraction.

SECTION 5. [EFFECTIVE JULY 1, 2014] (a) Before September 1, 2014, the state department of health shall, with assistance from the center for deaf and hard of hearing education:

(1) determine the number of Indiana residents who are less than nineteen (19) years of age and are hearing impaired; and

(2) determine the estimated cost for:

(A) a state program; and

(B) a health insurance requirement;

to provide hearing aids to the individuals identified in subdivision (1).

(b) The state department of health shall report its findings under this SECTION in an electronic format under IC 5-14-6 to the legislative council before October 15, 2014.

(c) This SECTION expires December 31, 2014.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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